

**REMARKS**

Claims 1, 2, and 4-6 are currently pending in the present application. Claim 1 is amended and claim 3 is cancelled. No new matter is presented. In view of the above amendments and the following remarks, it is submitted that claims 1, 2, and 4-6 recite patentable subject matter. Applicants request the withdrawal of the rejection of claims 1, 2, and 4-6.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Speciale (U.S. Patent No. 6,301,034). The Examiner takes the position that Speciale teaches or suggests all the features recited in claims 1-3. Applicants respectfully disagree.

Speciale is directed to a microphone and method of use in which pulsed laser light is directed against a reflective diaphragm which is vibrated by sound waves thereby modulating the pulsed laser light reflected from the diaphragm. The modulated, pulsed laser light is transmitted from the microphone for conversion into digital, electrical signals or is converted to digital, electrical signals in the microphone and transmitted therefrom as digital signals.

It is submitted that Speciale does not teach or suggest all the features recited in claim 1. Specifically, Speciale does not teach or suggest a focusing lens which is melted onto an end of the first optical waveguide in such a manner that the light beam reflected from one side of the diaphragm is focused onto the end face of the second waveguide.

Speciale discloses a sensor with a diaphragm, a transmitting optical waveguide, and a receiving optical waveguide. The transmitting optical waveguide 129 and the receiving optical waveguide 137 each comprise a focusing lens system. In contrast to the teaching of the cited reference, the claimed invention provides that the first optical waveguide comprises a focusing lens which is melted to the end of the first optical waveguide. This arrangement is neither disclosed by Speciale nor is it possible for device of Speciale to have features such as the focusing lens of the claimed invention. Specifically, the claimed arrangement of the focusing lens could not be a part of Speciale since the receiving as well as the transmitting

waveguides each have a focusing lens attached to their ends. In contrast, the claimed invention provides a focusing lens which is melted onto an end of the first optical waveguide in such a manner that the light beam reflected from the one side of the diaphragm is focused onto the end face of the second waveguide. It should be noted that the device of Speciale would not allow for the light beam to be reflected from one side diaphragm to be focused onto the end face of the second waveguide since two focusing lenses are used.

Thus, it is respectfully submitted that the arrangement provided by the claimed invention is not anticipated by the cited reference since the microphone according to Speciale discloses that the transmitting waveguide each comprise focusing lenses attached to their sides. Moreover, the receiving as well as the transmitting waveguide according to Speciale are arranged at 90 degrees with respect to the diaphragm such that the receiving waveguide will only receive light that is reflected at an angle of 90 degrees with respect to the diaphragm. In other words, Special also does not teach or suggest that the light beam reflected from one side of the diaphragm is focused onto the end face of the second waveguide.

In view of the above distinctions, it is submitted that Speciale does not teach or suggest that the focusing lens is melted onto an end of the first optical waveguide in such a manner that the light beam reflected from the one side of the diaphragm is focused onto the end face of the second waveguide. Therefore, Applicants respectfully request the withdrawal of the rejection of claim 1 under 35 U.S.C. 102 (b).

Claims 2 and 3 are dependent upon claim 1. It is submitted that claims 2 and 3 recite patentable subject matter for at least the reasons mentioned above. Therefore, Applicants request the withdrawal of the rejection of claims 2 and 3 under 35 U.S.C. 103(a).

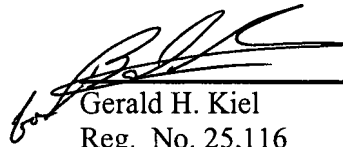
Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Speciale further in view of Farr et al. (U.S. Patent No. 6,853,767). Applicants respectfully traverse the rejection of claims 4-6. Claim 3 is cancelled.

Serial No.: 10/815,503

Claims 4-6 are dependent upon amended independent claim 1. It is submitted that Farr does not cure the deficiencies of Speciale. Therefore, it is submitted that claims 4-6 recite patentable subject matter for at least the reasons mentioned above. Accordingly, Applicants request the withdrawal of the rejection of claims 4-6 under 35 U.S.C 103(a).

In view of the above amendments and remarks, Applicants request the favorable consideration of claims 1, 2, and 4-6. A Notice of Allowance is requested.

Respectfully Submitted,

  
Gerald H. Kiel  
Reg. No. 25,116

Reg. No. 50,900

REED SMITH LLP  
599 Lexington Avenue  
New York, NY 10022  
(P) 212-521-5402  
Attorney for Applicant